

REMARKS

The above amendments and following remarks are submitted in response to the Official Action of the Examiner mailed July 7, 2005. Having addressed all objections and grounds of rejection, claims 1-25, being all the pending claims, are now deemed in condition for allowance. Reconsideration to that end is respectfully requested.

The pending official action has been made prematurely final by the Examiner. Claims 11-15 and 21-25 had been previously rejected as anticipated by U.S. Patent No. 6,185,567, issued to Ratnaraj et al (hereinafter referred to as "Ratnaraj"). Applicants responded to this rejection of claims 11-15 and 21-25 by argument and without amendment. Nevertheless, the Examiner has withdrawn the rejection based upon anticipation by Ratnaraj and has finally rejected claims 11-15 and 21-25 entirely new grounds through application of newly cited prior art.

Not only does this situation produce a *prima facie* showing of prematurity of a final rejection, it renders clearly erroneous the Examiner's finding in support of the finality of this rejection. The Examiner states at page 12, paragraph 6, of the pending official action:

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

This statement is absolutely false on its face as to claims 11-15 (which have never been amended) and claims 21-25. Therefore,

Applicants respectfully request that the finality of the pending official action be revoked.

The Examiner has objected to claim 1 as containing a typographical informality. In response thereto, Applicants have amended claim 1 in accordance with the suggestion of the Examiner.

Claims 1-25 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,708,173, issued to Behr et al (hereinafter referred to as "Behr"). This ground of rejection is respectfully traversed for the reasons discussed in detail below.

The standards for a finding of anticipation during examination are specified in MPEP 2131, which provides in part:

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH
EVERY ELEMENT OF THE CLAIM

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (emphasis added)

The rejection is respectfully traversed because Ratnaraj does not describe "each and every element" set forth in the claim "in as complete detail as is contained in the claim" as required by MPEP 2131.

Quite apart from the many issues associated with whether or not Behr meets the environmental limitations of the claims, the prior art of record certainly does not meet the key limitations associated with the apparatus and method of storing intermediate computational data produced during the honoring of a service request. This feature is summarized at page 12, line 12, through page 13, line 2. Details of the preferred mode of practicing this feature is highlighted in Figs. 31-32, with corresponding description at page 51 of Applicants' specification.

The Examiner confuses the storage of a "service" or portions of a "service" as taught by Behr with the claimed storage of intermediate computational data associate with the running of a "service". Page 22, lines 7-16, of Applicants' specification provides the Examiner with a working definition of "service". It states:

The basic request/response format of the Cool ICE system involves a "service" (defined in greater detail below) which is an object of the Cool ICE system. **The service is a predefined operation or related sequence of operations which provide the client with a desired static or dynamic result.** The services are categorized by the language in which they were developed. Whereas all services are developed with client-side scripting which is compatible with Internet terminal 54 (e.g., XML), the server-side scripting defines the service category. Native services utilize Cool ICE script for all server-side scripting. On the other hand, open services may have server-side scripting in a variety of common commercial languages including Jscript, VBScript, ActiveX controls, and HTML. Because native services are developed in the Cool ICE script (run) language, greater development flexibility and variety are available with this technique. (Emphasis added)

Though Behr and Applicants' system both teach storing of a "service" and/or portions of a "service", only Applicants teach

storing of intermediate computational data produced by a "service".

Specifically, with regard to the rejection of claim 1, the Examiner confusingly states, "Behr teaches....a user terminal.....which generates a service request for access to a database management system consisting of a plurality of variety (sic) data formats", citing Fig. 1, along with column 4, lines 64-67, column 5, lines 1-12, and column 8, lines 10-48. This statement is confusing because it does not relate to Applicants' claimed invention. Therefore, the statement is at least legally irrelevant. Furthermore, the statement is clearly erroneous, because the citations of Behr do not support the Examiner's conclusion.

Applicants actually claim a "service request" limited by "honoring through execution of said command language by said legacy data base management system thereby producing temporary computational data". In making the pending rejection, the Examiner states:

(transferring request or service request from terminal user over Internet in HTML into a format from which legacy RDBMS commands and inputs may be generated and HTML table or document storing computational data for later user: fig. 2, col. 4, lines 64-67 and col. 5, lines 1-12, lines 28-58; also col. 14, lines 4-12; also MAPPER command language; col. 3, lines 8-32)

Quite apart from the lack of support for the Examiner's conclusions within the extensive citations, the statement is

legally irrelevant, because it does not address Applicants' claimed invention.

The final element of claim 1 is the "facility" which stores the intermediate "temporary computational data" for later use. As explained above, Behr has no such "temporary computational data". Nevertheless, in rejecting claim 1, the Examiner cites portions of Behr which discuss Fig. 7. Column 13, lines 26-27, is instructive in pointing out the Examiner's confusion stating:

FIG. 7 is a pictographic drawing 178 of the development process for creating a Cool ICE service.

The Examiner has confused the "development process for creating" the claimed "service request" with the claimed honoring of the "service request" by the claimed "data base management system".

The rejection of amended claim 1, and all claims depending therefrom, is respectfully traversed for failure of the Examiner to meet any of the requirements of MPEP 2131 to establish anticipation.

Claim 2 depends from claim 1 and further limits the "facility" element. Having not found this element in rejecting claim 1, the Examiner cites Fig. 4, element 80, of Behr which teaches nothing of "saving intermediate computational data" as a "table" for future use. The rejection of claim 2, and claims depending therefrom, is respectfully traversed.

Claim 3 depends from claim 2 and further limits the "service request" to "executable text lines". Because Behr does not have

the limitations of claim 2 from which claim 3 depends, Behr cannot have the further limitations of claim 3. The rejection of claim 3, and claims depending therefrom, is respectfully traversed.

Claim 4 depends from claim 3 further limits the claimed "service request" by user completion of a "screen" presented by the claimed "legacy data base management system". In making the pending rejection, the Examiner cites the HTML screen 118 of Fig. 6. As clearly stated at column 12, lines 11-14, screen 118 is produced by browser 120 rather than being "presented by" the claimed "data base management system" as claimed. The rejection of claim 4 is respectfully traversed.

Claim 5 depends from claim 4 and further limits the "screen" of claim 4. Instead of addressing HTML screen 118, as required by Applicants' claim and controlling law, the Examiner cites legally irrelevant material not associated with HTML screen 118. The rejection of claim 5 is respectfully traversed.

In the rejection of claim 6, the Examiner repeats the above clearly erroneous findings of fact and adds some additional ones. As with the rejection of claim 1, the Examiner again clearly erroneously finds the claimed "facility" to be associated with Behr's Fig. 7 process for developing a service request rather than the claimed process of honoring a service request. The

rejection of claim 6, and all claims depending therefrom, is respectfully traversed.

Claim 7 depends from claim 6 and further limits the "publically accessible digital data network". As explained above, Behr does not have the elements of claim 6 from which claim 7 depends. Therefore, Behr cannot have the further limitations of claim 7. The rejection of claim 7, and claims depending therefrom, is respectfully traversed.

Claim 8 depends from claim 7 and is further limited by a "repository" within the "legacy data base management system". As explained above, Behr does not have the elements of claim 7 from which claim 8 depends. Therefore, Behr cannot have the further limitations of claim 8. The rejection of claim 8, and claims depending therefrom, is respectfully traversed.

Claims 9 and 10 further limit the "future use" of the stored information. As explained above, Behr has no such functionality. The rejection of claims 9 and 10 are respectfully traversed.

In his rejection of claim 11, the Examiner repeats many of the errors of his rejections of claims 1-10, and adds additional errors. With regard to the "commencing" and "storing" steps, the Examiner again refers to Behr's process for developing a service request (see Fig. 7 and associated discussion), rather than the claimed "honoring" of a service request.

In addition, the Examiner confusingly states:

implementing any of the functional systems more efficient (Wash's col. 2, lines 60-65).

It is not known how this relates to the rejection of claim 11. The rejection of claim 11, and all claims depending therefrom, is respectfully traversed.

Claim 12 depends from claim 11 and further limits the "storing" step. As explained above, Behr does not have the claimed "storing" step. Therefore, Behr cannot have these further limitations to the "storing" step. The rejection of claim 12 is respectfully traversed.

Claim 13 depends from claim 12 and further limits the "storing" step to initiation from a "screen" on the claimed "user terminal". As anyone of skill in the art would admit, Behr does not disclose this limitation. Therefore, the Examiner cites Fig. 6, HTML screen, in full awareness that this citation is legally irrelevant, because it is not directed to the claimed "screen". The rejection of claim 13 is respectfully traversed.

Claim 14 depends from claim 13 and further limits the "screen" claimed in claim 13. Again, the Examiner cites legally irrelevant material from Behr which has nothing to do with the claimed invention. The rejection of claim 14 is respectfully traversed.

Claim 15 depends from claim 14 and further limits the claimed network. Behr does not have the limitations of claim 14, as explained above. Therefore, Behr cannot have the further

limitations of claim 15. The rejection of claim 15 is respectfully traversed.

The rejection of claim 16 repeats many of the clearly erroneous findings of fact and incorrect applications of controlling law utilized in rejecting claim 6. As explained above Behr does not have this structure, which is certainly not disclosed, as alleged by the Examiner. In particular, Behr does not have the "providing means" and "storing means" for the reasons discussed in detail above. Again, the Examiner confuses the service development process of Behr (see Fig. 7) with the claimed service honoring process. The rejection of claim 16, and all claims depending therefrom, is respectfully traversed.

Claim 17 depends from claim 16 and further limits the claimed "storing means". For the reasons provided above, Behr does not have the claimed "storing means". As a result, Behr cannot have these further limitations to the "storing means". The rejection of claim 17 is respectfully traversed.

Claim 18 depends from claim 17 and further limits the "converting means" which converts the format of the service request. As explained above, Behr does not have the claimed "converting means". Therefore, Behr cannot have the further limitations of claim 18. The rejection of claim 18 is respectfully traversed.

Claim 19 depends from claim 18 and further limits the claimed "transmitting means". Behr does not meet the limitations of claims 18 as explained above. Therefore, Behr cannot meet the limitations of claim 19 which depends therefrom. The rejection of claim 19 is respectfully traversed.

Claim 20 depends from claim 19 and further limits the claimed "storing means". For the reasons provided above, Behr does not have the claimed "storing means". As a result, Behr cannot have these further limitations to the "storing means". The rejection of claim 20 is respectfully traversed.

Claim 21 is an independent apparatus claim having five key elements. In rejecting claim 21 the Examiner makes numerous clearly erroneous findings of fact discussed above. In addition, the Examiner continues to confuse the service development process of Behr with the claimed service honoring process in clearly erroneously finding that Behr has the claimed "facility". The rejection of claim 21, and all claims depending therefrom is respectfully traversed.

Claim 22 depends from claim 21 and further limits the claimed "facility" which stores the claimed "computational state" of the claimed "legacy data base management system". Again the Examiner confuses this with Behr's storage of service requests. The rejection of claim 22 is respectfully traversed.

Claim 23 depends from claim 22 and further limits the claimed network. Behr does not meet the limitations of claim 22 for the reasons provided above. Therefore, Behr cannot meet the further limitations of claim 23. The rejection of claim 23 is respectfully traversed.

Claim 24 depends from claim 23 and further limits the claimed "future use" of the stored "computational state". Behr does not meet the limitations of claim 23 for the reasons provided above. Therefore, Behr cannot meet the further limitations of claim 24. The rejection of claim 24 is respectfully traversed.

Claim 25 depends from claim 24 and further limits the claimed "future use" of the stored "computational state". Behr does not meet the limitations of claim 24 for the reasons provided above. Therefore, Behr cannot meet the further limitations of claim 25. The rejection of claim 25 is respectfully traversed.

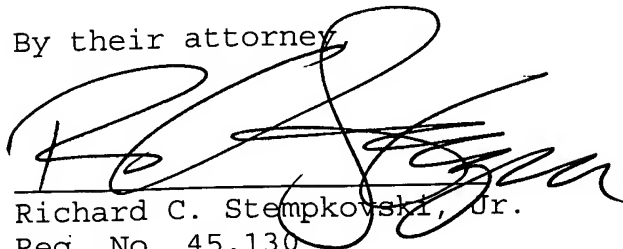
Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-25, being the only pending claims.

Please charge any deficiencies or credit any overpayment to
Deposit Account No. 14-0620.

Respectfully submitted,

Thomas N. Turba et al.

By their attorney

A large, stylized handwritten signature in black ink, likely belonging to Richard C. Stempkowski, Jr., is written over the text of the attorney's name and address.

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